

SUSMAN GODFREY L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP



ROTHWELL FIGG  LOEVY + LOEVY

April 4, 2025

Hon. Ona T. Wang
United States Magistrate Judge
Southern District of New York

Re: *The New York Times Company v. Microsoft Corp.*, No.: 23-cv-11195;
Daily News, LP v. Microsoft Corp., No. 1:24-cv-3285; *The Center for
Investigative Reporting, Inc. v. OpenAI, Inc.*, No. 1:24-cv-04872

Dear Magistrate Judge Wang:

Plaintiffs The New York Times Company (“The Times”), Daily News, LP et al. (“Daily News”), and the Center for Investigative Reporting (“CIR”) (collectively, the “News Plaintiffs”) respectfully oppose Defendants’ request (Dkt. 516) to cancel the upcoming April 10 discovery conference, which has been scheduled since January 24.

There are a number of critically important, time-sensitive disputes specific to the News Cases, and there is no reason to postpone a hearing that will address these issues. For example, the parties continue to have disputes about News Plaintiffs’ discovery into Defendants’ log output data—including OpenAI’s ongoing destruction of such data. *See* Dkt. 379, 483. As another example, News Plaintiffs and Microsoft have a dispute about discovery into all versions of Microsoft’s “Copilot” product, as well as inspection of the “Deucalion” model. *See* Dkt. 487.

Disputes like these are in no way impacted by the recent consolidation order. But to the extent Defendants believe otherwise, they can present those arguments to the Court, at the hearing. Postponing the hearing will also hinder the meet-and-confer process. The unfortunate fact is that News Plaintiffs often make progress with Defendants on discovery disputes only in the days leading up to a hearing. Cancelling the hearing will diminish Defendants’ willingness to resolve the parties’ disputes.

Respectfully,

/s/ Ian B. Crosby
Ian B. Crosby
Susman Godfrey L.L.P.

/s/ Steven Lieberman
Steven Lieberman
Rothwell Figg

/s/ Matt Topic
Matt Topic
Loevy & Loevy